IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

Bail Appl..No. 4489 of 2007()

CRIME NO.303/07 OF HARIPPAD POLICE STATION

PETITIONER/2ND ACCUSED

SADICK, AGED 17, S/O. JALAL,
MALIYEKKAL KIZHAKKETHIL, NEAR M.S.M.COLLEGE,
KAYAMKULAM, REP. BY HIS NATURAL GUARDIAN,
MOTHER, SAFIATH.

BY ADV. SRI.K.R.SUNIL
SRI.S.JEEVAKUMAR

RESPONDENTS:

SUB INSPECTOR OF POLICE,
HARIPPAD POLICE STATION, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4489 OF 2007

Dated this the 1st day of August, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Sec.379 of the IPC. He is the 3rd accused in a crime. It is alleged that he in association with two other criminals was responsible for the commission of the offence of chain snatching.

2. The learned counsel for the petitioner submits that the petitioner is a juvenile having not attained the age of 18 years on the date of the crime. The learned Public Prosecutor, after verifying the relevant records, does not dispute the fact of juvenility of the petitioner. The learned counsel for the petitioner, in these circumstances, submits that the petitioner shall be satisfied if the petitioner is given an opportunity to surrender before the learned Magistrate and seek regular bail.

Appropriate directions can, of course, be issued.

3. In the result, this application is allowed. Following directions are issued under Sec.438 of the Cr.P.C.

(i) The petitioner shall appear before the Juvenile Justice Board and if no Juvenile Justice Board is constituted for the area, before the learned Chief Judicial Magistrate at 11 a.m. on 8/8/2007 and apply for regular bail. The Board/the learned C.J.M. shall pass appropriate orders.

(ii) The Investigator shall be entitled to appear before the Juvenile Justice Board/the learned C.J.M. and seek appropriate directions to facilitate proper investigation. The learned C.J.M. shall pass appropriate orders on such application.

(iii) If the petitioner does not appear before the learned Chief Judicial Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender

on 8/8/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 8/8/07.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge